

Before the
Federal Communications Commission
Washington, D.C. 20554

ORIGINAL

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Refugio and Taft, Texas)

MM Docket No.
RM-_____

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: Chief, Allocations Branch

PETITION FOR RULE MAKING

PACIFIC BROADCASTING OF MISSOURI L.L.C.

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December 23, 1998

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Summary

Pursuant to Section 1.420(i) and (g) of the Rules, Pacific Broadcasting of Missouri, L.L.C., ("Pacific"), licensee of Station KTKY(FM), Channel 291C3 at Refugio, Texas, requests the Commission reallocate Channel 293C2 from Refugio, Texas, to Taft, Texas, as that community's first local aural service, and modify the license for Station KTKY to specify Taft as its community of license. In addition, Pacific requests the allotment of Channel 291A to Refugio, Texas.

Pacific submits that the allotment of Channel 293C2 to Taft should be preferred over retaining the Channel 291C3 allotment at Refugio. When Pacific's proposal is viewed in its entirety, the allotment of Channel 293C2 to Taft as a first local service should be preferred under the Commission's allotment priority (3) because Refugio should be deemed to have another allotment. However, even if the Commission considers Taft and Refugio in a comparison of which community is more deserving of a first local service, Taft is clearly more deserving of a first local service.

Amending the FM Table of Allotments to reallocate Channel 293C2 to Taft will serve the public interest, convenience and necessity by providing Taft with its first local service. Moreover, when combined with the substitution of Channel 291A at Refugio, and Pacific's commitment to simultaneously commence operations on both Channel 293C2 and 291A, the proposal will result in a preferential arrangement of allotments and a more efficient use of the FM spectrum in furtherance of the Commission's goals of Section 307(b) of the Communications Act.

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PETITION FOR RULE MAKING

Pacific Broadcasting of Missouri, L.L.C., ("Pacific"), licensee of Station KTKY(FM), Channel 291C3 at Refugio, Texas, by its attorneys and pursuant to Sections 1.420(i) and 1.420(g) of the Commission's Rules, hereby petitions the Commission for the reallocation of Channel 293C2 from Refugio, Texas, to Taft, Texas, as the community's first local aural service, and modification of the license for Station KTKY to specify Taft as its community of license. In addition, Pacific requests the allocation of Channel 291A to Refugio, Texas as follows:

	<u>Channel</u>	
<u>City, State</u>	<u>Present</u>	<u>Proposed</u>
Refugio, Texas	291C3	291A, 263A ¹
Taft, Texas	-----	293C2

Pacific states its intention to file an application for Channel 293C2 should the channel be allotted to Taft. In addition, Pacific hereby states that if it is the prevailing applicant for Channel

¹ On September 11, 1998, the Commission released a Notice of Proposed Rulemaking in MM Docket No. 98-165, RM-9322, proposing the allocation of Channel 263A at Refugio, Texas. Pacific filed comments supporting allocation of Channel 263A as did the proponent of the NPRM, WAB Broadcasting, on November 2, 1998. No reply comments were submitted.

291A at Refugio, it will simultaneously commence program test on Channel 293C2 at Taft and Channel 291A at Refugio.

I. Introduction

Pacific is the licensee of Station KTKY(FM) at Refugio, Texas. Pacific also operates Stations KTBE(FM) at Rockport, Texas, KKPN(FM) at Gregory, Texas and KCCG(FM) at Ingleside, Texas. Section 1.420(i) of the Commission's Rules permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), reconsideration granted in part, 5 FCC Rcd 7094 (1990). Section 1.420(g) of the Rules permits modification of a license to specify another class in a rulemaking proceeding to amend the Table of Allotments where the modification would occur on a mutually exclusive higher class adjacent or co-channel. The requested reallocation of Channel 293C2 to Taft, the proposed modification of KTKY's license to specify operation on Channel 293 at Taft, and the allotment of Channel 291A at Refugio, are all mutually exclusive with KTKY's currently-authorized operations.² Moreover, the modification of the KTKY license to Channel 293C2 occurs on a higher co-channel. Accordingly, Pacific may petition the Commission to reallocate Channel 293C2 to Taft without granting an opportunity to other parties to file any competing expressions of interest for the Taft allotment.

Amending the FM Table of Allotments to reallocate Channel 293C2 to Taft will serve the public interest, convenience and necessity by providing Taft with its first local service. Moreover, when combined with the substitution of Channel 291A at Refugio, the proposal will

² An application for modification of KTKY to specify operation on Channel 293C3 at Refugio and to relocate the Station's transmitter site is currently pending. See, FCC File No. BPH-

result in a preferential arrangement of allotments and a more efficient use of the FM spectrum in furtherance of the Commission's goals. In support of this request, Pacific states as follows:

II. Technical Compliance

Channel 293C2 can be allotted to Taft in compliance with the Commission's minimum distance separation requirements under Section 73.207(a) of the Commission's Rules at the reference coordinates North Latitude 27-52-00, 97-13-08 West Longitude. These coordinates represent a site restriction of 21.7 kilometers on a bearing of 125 degrees from Taft. This restriction is necessary to avoid a short spacing condition to Station KCJZ, Terrell Hills, Texas, operating on Channel 294C at coordinates North Latitude 29-11-03, 98-30-48 West Latitude. As shown in the attached Technical Exhibit, Section A, these reference coordinates also meet the spacing requirements of Section 73.207(a) with respect to all other allotments and stations, including the proposed allotment of Channel 291A to Refugio.

With respect to the allotment of Channel 291A to Refugio, the reference coordinates proposed in this Petition are North Latitude 28-21-58, 97-19-11 West Latitude. These coordinates represent a site restriction of approximately 8.1 kilometers on a bearing of 327 degrees from Refugio, and are necessary to prevent a short spacing condition to Pacific's proposal to allot Channel 293C2 to Taft, Texas, at the reference coordinates specified above. See Technical Exhibit, Section B hereto.

III. The Reallocation of Channel 293C2 to Taft Complies with the Commission's Prerequisites and FM Allotment Priorities

The reallocation of Channel 293C2 to Taft, Texas, will result in a preferential arrangement of the FM Table of Allotments.

In Amendment of the Commission's Rules Regarding Modification of FM and TV

980608IB.

Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), reconsideration granted in part, 5 FCC Rcd 7094 (1990) (“Change of Community of License Order”), the Commission established certain prerequisites for granting a petitioner’s request for a change in community of license. First, the proposed channel must be mutually exclusive with the petitioner’s existing channel. Second, the new community must be preferred over the existing community under the Commission’s allotment priorities. Third, except in limited circumstances, the old community should not be deprived of its only existing service. Id. at 7097. Under the Commission’s allotment criteria, priority for service is awarded in the following order: (1) provision of first full-time aural reception service; (2) provision of second full-time aural reception service; (3) provision for first local transmission service; and (4) provision for other public interest factors. Revision of FM Assignments Policies and Procedures, 90 FCC 2d 88 (1982). The proposal to operate Channel 293C2 at Taft meets each of the Commission’s requirements in its Change of Community of License Order and the reallocation of Channel 293C2 to Taft is preferred over the existing Channel 291C3 allotment at Refugio.

A. Allotment of Channels 293C2 and 291A Are Mutually Exclusive to KTKY(FM)’s Current Operation

As shown in the attached Technical Exhibit, the proposed use of Channel 293C2 at Taft is mutually exclusive with Pacific’s current use of Channel 291C3 as well as Pacific’s proposed modification of KTKY to operate on Channel 293C3 at Refugio. Channel 291 and 293 are adjacent channels that cannot be allotted to the same community consistent with the Commission’s minimum distance separation rules. See 47 C.F.R. § 73.207. Thus, the ability to allocate Channel 291A at Refugio is also contingent upon the Commission modifying the license of KTKY(FM) to operate on Channel 293C2 at Taft. See Technical Exhibit.

B. Taft Should Be Preferred Over Refugio and Reallotment to Taft is Warranted

Pacific submits that the allotment of Channel 293C2 to Taft should be preferred over retaining the Channel 291C3 allotment at Refugio. When Pacific's proposal is viewed in its entirety, the allotment of Channel 293C2 to Taft as a first local service should be preferred under the Commission's allotment priority (3) because Refugio should be deemed to have another allotment. However, even if the Commission considers Taft and Refugio in a comparison of which community is more deserving of a first local service, Taft clearly prevails.

1. Taft Should Be Awarded a First Local Transmission Service Preference

Examination of the totality of the circumstances dictates that Taft be awarded a preference under allotment priority (3) as providing a first local transmission service. Even if Channel 291C3 is removed to accommodate KTKY's move to Taft, Refugio will be left with allotments for two channels, Channel 291A proposed herein, and Channel 263A proposed in Docket No. 98-165, RM-9322, and at least two commitments to file for and commence operations on the new channels. The comment and reply comment periods have expired in Docket No. 98-165, and Pacific expects that the Commission will soon issue a Report and Order amending the Table of Allotments to add Channel 263A. The proponent of Channel 263A, WAB Broadcasting, has indicated that it will apply for the channel once it is allotted. See Comments of WAB Broadcasting in MM Docket No. 98-165.

Pacific acknowledges that the Commission does not consider the proposed allotment of a channel as an existing transmission service. Order on Recon. at 7097. To address this concern Pacific hereby states its intention to provide such service on Channel 291A at Refugio. Assuming no other applicant applies for or is awarded a construction permit for Channel 291A,

Pacific will simultaneously commence program tests on Channel 293C2 at Taft and on Channel 291A at Refugio.³

With Pacific's commitment to build and commence service on Channel 291A at Refugio simultaneously with the commencement of Channel 293C2 service at Taft, the Commission is assured that there will be at least one transmission service (and perhaps two services, if service is commenced on Channel 263A) remaining in Refugio once the reallocation of Channel 293C2 to Taft is implemented. Thus, the Commission can award a first local transmission service preference to Taft under allotment priority (3).

2. First Local Service at Taft Is Preferable to First Local Service at Refugio

Should the Commission determine that removal of Channel 291C3 from Refugio would leave Refugio without an existing service, a comparison of both a Taft allotment and a Refugio allotment as a first local service reveals that the Taft allotment is preferable. In the Change of Community of License Order, the Commission indicated that it would consider requests for the removal of a sole local service where there are compelling public interest factors to offset the expectation of continued service on a case by case basis. Id. at 7097, Potts Camp and Slatillo, Mississippi, MM Docket No. 97-107, RM-9023, released June 19, 1998; DeRuyter and Chittenango, NY, MM Docket No. 98-22, RM-9183, released February 27, 1998. The Commission also expressed its concern with the potential migration of stations from underserved rural areas to well served urban areas. Change of Community of License Order at 7092, citing Faye and Richard Tuck, 3 FCC Rcd 5372 (1988). Pacific submits that there are substantial public interest factors at work to support the reallocation of Channel 293C2 to Taft. Moreover, Taft is a separate, independent and self-sufficient community worthy of its own local service,

³ Alternatively, Pacific will commit to provide service on Channel 263A should that channel

and should be preferred over Refugio.

Taft is the larger of the two communities, and the allotment to Taft would provide first local service to a community of approximately 5,234⁴ people. Refugio has a population of only 3,158 people. All things being equal, under the Commission's allotment priorities scheme, the allotment to Taft would prevail. Revision of FM Assignment Policies. However, there are many other factors that make Taft worthy of local service.

3. Taft Is an Independent Community

In the Change in Community of License Order the Commission expressed its concern with the potential migration of stations from underserved rural areas to well served urban areas. In making its determination as to whether a community should be awarded a first local service preference, the Commission relies upon the criteria established in Faye and Richard Tuck, 3 FCC Rcd 5374 (1988): (1) signal population coverage; (2) the size of the suburban community relative to the adjacent city; and (3) the interdependence of the suburban community with the central city. Pacific submits that when viewed in light of Tuck, Taft qualifies as deserving a first local service preference.

Although Taft is not located in an Urbanized Area as that term is defined by the U.S. Census Bureau, the proposed 70 dBu contour of the modified KTKY facilities will encompass greater than 50% of the Corpus Christi Urbanized Area. Accordingly, Commission policy requires a demonstration that Taft is sufficiently independent of Corpus Christi to justify a first local service preference. See, Headland, Alabama and Chatahoochee, Florida, 10 FCC Rcd 10352 (1995).

As detailed below, Taft is clearly a community separate from and independent of Corpus

become available first, and Pacific is the prevailing applicant.

⁴ Based upon 1990 U.S. Census Bureau data, including the contiguous, unincorporated

Christi. As to the relative sizes, the population of Taft (5,234) is approximately 1.9% of the population of Corpus Christi (280,260). Awarding a first local service preference to a suburban community with less than 5% of the population of the adjacent city is consistent with past Commission action. In fact, the Commission has awarded preferences where the suburban population was less than 1% of the urban area. See, Ada, Newcastle and Watonga, Oklahoma, 11 FCC Rcd 16896 (1996) (Newcastle's population was 0.9% of that of Oklahoma City), and Bay St. Louis and Poplarville, MS, 10 FCC Rcd 13144 (1995) (4.5%).

There are other factors that the Commission considers in determining a suburban community's independence from the larger Urbanized Area that are even more important than signal population coverage and percentage of urban population. See, Clovis and Madera, California, 11 FCC Rcd 5219 (1996) at para. 20; Coolidge and Gilbert, Arizona, 11 FCC Rcd 3610 (1996) at para. 9. Specifically, the Commission considers the following indicia in assessing independence: (1) the extent to which community residents work in the larger metropolitan area, rather than the specified community; (2) whether the smaller community has its own newspaper or other media outlets addressing the local needs and interests of the community; (3) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (4) whether the specified community has its own local government and elected officials; (5) whether the smaller community has its own telephone book or zip code; (6) whether the community has its own commercial establishments, health facilities and transportation systems; (7) the extent to which the specified community and the central city are part of the same advertising market; and (8) the extent to which the specified community relies on the larger community for various municipal services such as police, fire protection, schools and libraries. Tuck at 5378.

community of Taft SW, which shares common services with Taft, Texas.

Taft demonstrates most, if not all of these characteristics of independence. It is an incorporated city within San Patricio County, located in Eastern Texas, approximately 15 miles from Corpus Christi, Texas. It is not contiguous with Corpus Christi. Rather, it is separated from Corpus Christi by the communities of Gregory and Portland. It is further separated from Corpus Christi by the Nueces Bay, which is approximately 3 miles wide. Taft is a substantial, thriving community warranting a local transmission service. According the U.S. Census for 1990, Taft and neighboring Taft SW, have a combined population of 5,234 people. The city has identifiable boundaries as required in Revision of FM Assignments Policies and Priorities, 51 RR 2d 807, 816 (1982).

Taft has its own city government consisting of an elected Mayor and an elected City Counsel. There is a full-time City Manager, a City of Taft Police Department, volunteer fire department and four schools: Petty School (grades Pre-K – 2nd grade), East Elementary School (3rd – 5th grades), Taft Jr. High School (6th – 8th grades) and Taft High School (9th – 12th grades).

Taft has its own newspaper, the *Taft Tribune*, its own phone book and zip code (78390). It is a farming and agricultural community, which supports many local businesses, a senior citizens home, a drug rehabilitation center and a medical and dental professional building. An informal canvass of local businesses reveals that most do not advertise in Corpus Christi. Instead, these businesses target and serve Taft and Taft SW. Three quarters of the local businesses polled advertised in the local Taft newspaper.

Many people work in the Taft Independent School District or other businesses located in and around Taft or Taft SW. According to U.S. Census Bureau, more than 400 people work in the Central Cities of Taft or Taft SW. See Census Data Exhibit, attached hereto. Taft is clearly an independent community deserving of its own radio station.

IV. Other Public Interest Factors Supporting Reallotment to Taft

As demonstrated above, Taft is clearly an independent community worthy of the allocation of its first local service. However, there are other important public interest factors that support the reallotment of Channel 293C2 to Taft over Refugio. Both communities receive at least four full-time aural reception services. Refugio currently receives service from KNCN-FM and KOUL-FM, Sinton, Texas, KBTE(FM), Rockport, Texas and KTKY(FM), Refugio, Texas.⁵ Similarly, Taft receives service from KLUX(FM) and KSAB(FM), Robstown, Texas, KMXR(FM), KXFM(FM), KLTG(FM), KRYG(FM), Corpus Christi, Texas, KNCN-FM, KOUL-FM, Sinton, Texas, KKPN(FM), Gregory, Texas, KBTE(FM), Rockport, Texas, KCCG(FM), Ingleside, Texas, KRAD(FM), Portland, Texas, and KTKY(FM), Refugio, Texas.⁶ Following the reallotment of Channel 293C2 to Taft, Refugio will continue to receive the same signals. Refugio will also receive service from the addition of Channel 291A, a direct result of the instant request. Similarly, it is expected that Refugio will receive service from Channel 263A once that channel is operational.

One striking feature of the reallotment of Channel 293C2 to Taft is the dramatic increase in the number of people receiving 60dBu service from KTKY, from 72,810 to 354,128 people in an area of 7,822.2 square kilometers (vs. 4,828 square kilometers as presently allocated). See Technical Exhibit. Moreover, the reallotment will result in little or no disruption of reception service to the citizens of Refugio from KTKY. KTKY will continue to provide a 60dBu signal over the entire city of Refugio following the relocation to Taft. No white or gray areas will be created by the proposed move. Although, approximately 1,000 people will lose service from

⁵ Refugio also receives service from Station KNDA(AM) at Odem, Texas, a 50 kW daytime only station.

⁶ Taft also receives service from at least 5 AM stations (KCTA, KSIX, KRYG, KUNO and KEYS, all Corpus Christi, Texas).

KTKY, most of these people will receive a replacement service from Channel 291A and a second replacement service on Channel 263A. In fact, only 103 persons (462 sq. km., of which 186 sq. km. are located in the unpopulated Aransas National Wildlife Area) that currently receive the KTKY signal that will receive no replacement service following the reallocation of Channel 293C2 to Taft and the allocation of Channel 291A to Refugio. The attached composite map (Technical Exhibit E) illustrates the loss areas. Exhibit E overlays the 60 dBu contour of KTKY's current operation on Channel 291C3 at Refugio with the proposed 60 dBu contours of Channels 291A at Refugio and 293C2 at Taft. The vertical lines (yellow) represent the populated areas of loss of service following KTKY's reallocation to Taft (276 sq. km). The crosshatched lines (blue) represent the unpopulated area of loss (186 sq. km.).

Allotment of Channel 293C2 to Taft will enable the Commission to allot Channel 291 to Refugio, resulting in both Taft and Refugio having a first local service. The allotment of Channel 291A to Refugio would not be possible without the reallocation of Channel 293C2 to Taft, and KTKY's subsequent modification of license. An additional 2,381 people living in an area of 615 square kilometers (represented by the horizontal lines in green on Exhibit E) not currently receiving service from KTKY will be served by the operation of a new station on Channel 291A at Refugio.

Allotment of Channel 293C2 to Taft will enable Pacific to make much needed technical improvements to KTKY. Current service from KTKY on Channel 291C3 at Refugio is less than optimal. In an effort to correct this problem, Pacific filed an application for modification to change the station's transmitter location and channel to improve KTKY's signal. See, FCC File No. BPH-980806IB. In September, the Commission staff processing the KTKY modification application requested additional, corrective information about the application. See, Letter dated

September 29, 1998. In addition, Pacific learned, for the first time, that the modification application will require the concurrence of the Mexican government for frequency coordination purposes before processing of the application will be complete. The receipt of such concurrence will necessarily delay the grant of the modification application and thus inhibit Pacific's ability to improve the KTKY signal. The instant proposal to relocate KTKY to Taft will eliminate the need for the pending modification application while dramatically improving the KTKY signal coverage.

Finally, the reallocation of Channel 293C2 to Taft will conserve scarce spectrum and other valuable resources. The transmitter site proposed by Pacific's relocation of KTKY to Taft is common to the operation of Pacific's other broadcast stations. Such site sharing will result in economies of scale that translate into better and more reliable service to the public. The combined operation will allow use of shared standby and tower facilities, conservation of spectrum in the auxiliary band from a reduction in necessary STL equipment (through the use of digitally compressed equipment) and elimination of the need for construction of an additional tower in San Patricio County, an airspace area already congested with naval military traffic from nearby Ingleside Naval Air Station.

The Commission's grant of a community of license change based upon a commitment to replace first local service is consistent with previous Commission action in Llano and Marble Falls, Texas, MM Docket No. 95-49, RM 8558 , 12 FCC Rcd 6809 (Chief, Allocations Branch, 1997), Memorandum, Opinion and Order, FCC No. 98-2564, released December 18, 1998 (Chief, Policy and Rules Division). In Llano, the Chief of the Allocations Branch found that the public interest would be served by reallocating an existing local service to a larger community (Marble Falls) and simultaneously allotting a replacement channel to the smaller, original

community of license (Llano). The Allocations Branch considered the “totality of factors”, and held that its grant of the requested community of license change was premised upon the licensee’s commitment to operate the replacement channel to avoid any disruption in service. *Id.* at p. 4.⁷ Pacific hereby makes the same pledge to maintain service at Refugio. At the same time, Pacific will bring a first local service to Taft, improve operations, and dramatically increase the number of people receiving service from KTKY.

V. Conclusion

Amending the Table of Allotments to reallocate Channel 293C2 to Taft will serve the public interest, convenience and necessity by providing Taft with its first local service. Moreover, when combined with the allotment of Channel 291A at Refugio, the proposal will result in a preferential arrangement of allotments and a more efficient use of the FM spectrum in furtherance of the Commission’s public interest goals and the goals of Section 307(b) of the Communications Act.

Respectfully submitted,

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December 23, 1998

⁷ Similarly, in DeRuyter and Chittenango, *supra*, the Commission recognized that there are certain situations where “removal of a local service might serve the public interest....” To evaluate whether waiving the general prohibition against removal of a community’s sole local broadcast service is warranted, the Commission requested further evidence of the public interest benefits to be gained from the proponent. See, NPRM at para.3.

**TECHNICAL EXHIBIT
IN SUPPORT OF
A PETITION FOR RULEMAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
REFUGIO, TEXAS AND TAFT, TEXAS**

- Section A: FM Channel Spacing Study for Proposed Channel 293C2 at Taft, Texas
- Section B: FM Channel Spacing Study for Proposed Channel 291A at Refugio, Texas
- Section C: Proposed 60 dBu and 70 dBu Contour Coverage from Channel 293C2 at Taft, Texas
- Section D: Proposed 60 dBu and 70 dBu Contour Coverage from Channel 291A at Refugio, Texas
- Section E: Composite 60 dBu Contour Coverage from Proposed Channel 291A at at Refugio, Texas and 293C2 at Taft, Texas, detailing areas of Service Loss and Gain

Section A

FM CHANNEL SPACING STUDY

Job title: Channel 293 Proposed Site

Channel: 293C2

Database file name: d:\fccdata\fm981020.edx

Latitude: N 27 52 .00

Longitude: W 97 13 8.00

Pre-1989 Class A spacings?: N
Reqd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
293C	KQQK	15450	Galveston	TX	LIC	51.7	260.3	249.0	11.3
295C3	KLUB	15929	Bloomington	TX	LIC	21.9	100.2	56.0	
292A	KTJN	16555	Mercedes	TX	LIC	197.8	200.7	106.0	
295C3	KFLZ	16605	Bishop	TX	LIC	251.0	72.7	56.0	16.7
240A	KHMC	16624	Goliad	TX	LIC	354.2	90.9	15.0	
240C3	KHMC	16625	Goliad	TX	CP	354.2	90.9	17.0	
291C3	KTKY	16644	Refugio	TX	LIC	1.2	30.0	56.0	-26.0
293C3	KTKY	16645	Refugio	TX	APP	4.0	26.5	177.0	-150.5
293C3	ALLOTM	16646	Refugio	TX	VACANT	4.0	26.5	177.0	-150.5
292A	KCTIFM	16670	Gonzales	TX	LIC	354.1	183.1	106.0	
292C3	KCTIFM	16672	Gonzales	TX	CP MOD	347.7	206.8	117.0	
293A		17241	Los Comales	TA	LIC	222.2	253.6	178.0	
294A		17242	Reynosa	TA	LIC	208.3	222.5	125.0	
290C3	KUKA	17268	San Diego	TX	APP	255.1	92.9	56.0	
290C3	ALLOTM	17269	San Diego	TX	VACANT	258.0	107.1	56.0	
290A	KUKA	17270	San Diego	TX	LIC	262.0	90.1	55.0	
292A	KPSOFM	17271	Falfurrias	TX	LIC	233.5	117.3	106.0	11.3
294C	KCJZ	17345	Terrell Hills	TX	LIC	319.5	193.3	188.0	5.3

***** End of channel 293 study *****

Section B

FM CHANNEL SPACING STUDY

Job title: Channel 291A Refugio

Latitude: N 28 21 58.00

Channel: 291A

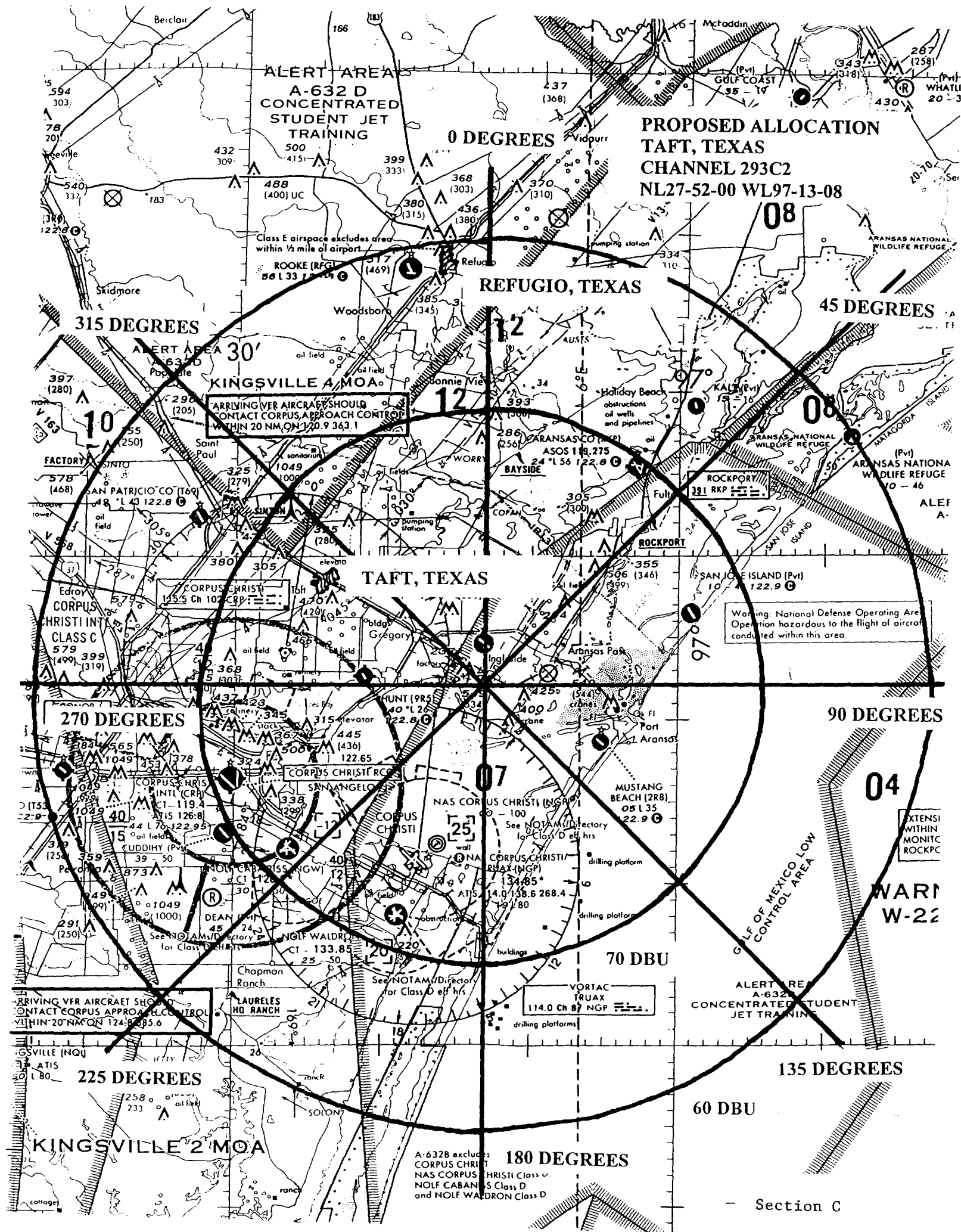
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Database file name: d:\fccdata\fm981020.edx

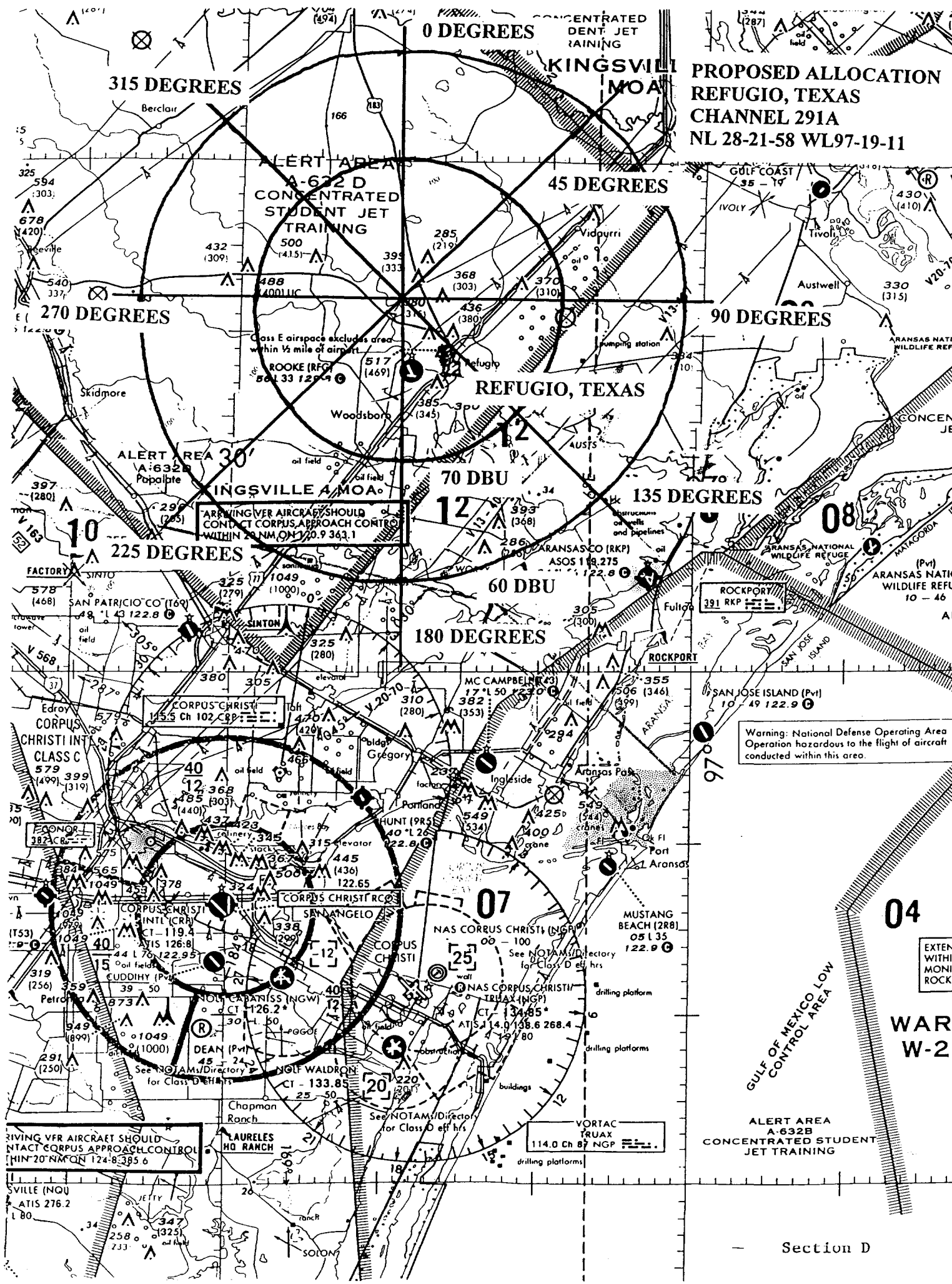
Pre-1989 Class A spacings?: N
Reqd.

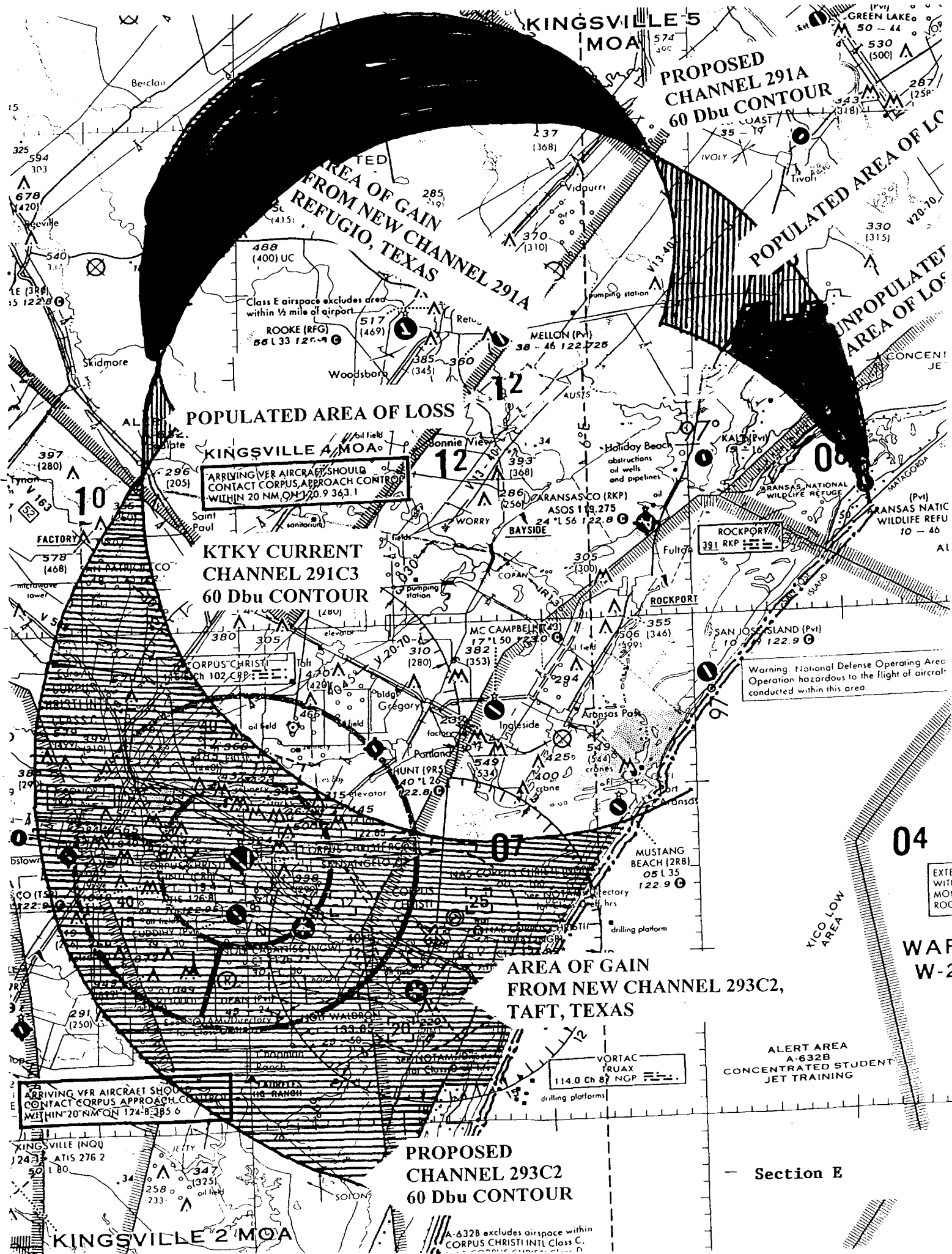
CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
291C2	KTTX	15997	Brenham	TX	LIC	17.8	232.9	166.0	
238C	KZFM	16577	Corpus Christi	TX	LIC	197.4	82.1	29.0	
293C2				TX		169.9	56.2	55.0	1.2
288A	KRAD	16603	Portland	TX	LIC	186.9	63.6	31.0	
289C3	KTKO	16641	Beeville	TX	LIC	283.8	49.5	42.0	7.5
291C3	KTKY	16644	Refugio	TX	LIC	157.5	27.4	142.0	-114.6
293C3	KTKY	16645	Refugio	TX	APP	157.9	31.2	42.0	-10.8
293C3	ALLOTM	16646	Refugio	TX	VACANT	157.9	31.2	42.0	-10.8
292A	KCTIFM	16670	Gonzales	TX	LIC	355.9	127.1	72.0	
292C3	KCTIFM	16672	Gonzales	TX	CP MOD	346.8	150.6	89.0	
290C3	KUKA	17268	San Diego	TX	APP	225.1	112.4	89.0	23.4
290C3	ALLOTM	17269	San Diego	TX	VACANT	230.5	122.5	89.0	
290A	KUKA	17270	San Diego	TX	LIC	229.3	104.4	72.0	
292A	KPSOFM	17271	Falfurrias	TX	LIC	213.9	150.8	72.0	
294C	KCJZ	17345	Terrell Hills	TX	LIC	308.3	147.7	95.0	

***** End of channel 291 study *****



**PROPOSED ALLOCATION
REFUGIO, TEXAS
CHANNEL 291A
NL 28-21-58 WL97-19-11**





PROPOSED
CHANNEL 291A
60 Dbu CONTOUR

POPULATED AREA OF LOSS

ARRIVING VFR AIRCRAFT SHOULD
CONTACT CORPUS APPROACH CONTROL
WITHIN 20 NM ON 120.9 363.1

KTKY CURRENT
CHANNEL 291C3
60 Dbu CONTOUR

AREA OF GAIN
FROM NEW CHANNEL 293C2,
TAFT, TEXAS

PROPOSED
CHANNEL 293C2
60 Dbu CONTOUR

Warning: National Defense Operating Area
Operation hazardous to the flight of aircraft
conducted within this area

ALERT AREA
A-632B
CONCENTRATED STUDENT
JET TRAINING

Section E

A-632B excludes airspace within
CORPUS CHRISTI INTL Class C.

**CENSUS DATA EXHIBIT
IN SUPPORT OF
A PETITION FOR RULEMAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
REFUGIO, TEXAS AND TAFT, TEXAS**

The following information was obtained from the U.S. Bureau of the Census Website.

1990 Census Lookup (1.4a)

(URL reload)

1990 US Census Data
Database: C90STF3A
Summary Level: state--Place

Taft city: FIPS.STATE=48, FIPS.PLACE90=71684

PLACE OF WORK---STATE AND COUNTY LEVEL

Universe: Workers 16 years and over

Worked in State of residence:

Worked in county of residence.....664

Worked outside county of residence.....390

Worked outside State of residence.....0

PLACE OF WORK---PLACE LEVEL

Universe: Workers 16 years and over

Living in a place:

Worked in place of residence.....326

Worked outside place of residence.....728

Not living in a place.....0

PLACE OF WORK---MSA/PMSA LEVEL

Universe: Workers 16 years and over

Living in an MSA/PMSA:

Worked in MSA/PMSA of residence:

Central city.....271

Remainder of this MSA/PMSA.....694

Worked outside MSA/PMSA of residence:

Worked in a different MSA/PMSA:

Central city.....15

Remainder of different MSA/PMSA.....28

Worked outside any MSA/PMSA.....46

Not living in an MSA/PMSA:

Worked in an MSA/PMSA:

Central city.....0

Remainder of MSA/PMSA.....0

Worked outside any MSA/PMSA.....0

PLACE OF WORK---MINOR CIVIL DIVISION LEVEL

Universe: Workers 16 years and over

Living in the 9 Northeastern States:

Worked in the minor civil division of residence.....0

Worked outside minor civil division of residence.....0

Not living in the 9 Northeastern States.....1054

AGGREGATE TRAVEL TIME TO WORK (IN MINUTES)

Universe: Workers 16 years and over who did not work at home

Total.....24851

1990 Census Lookup (1.4a)

(URL reload)

1990 US Census Data
Database: C90STF3A
Summary Level: state--Place

Taft city: FIPS.STATE=48, FIPS.PLACE90=71684

TRAVEL TIME TO WORK

Universe: Workers 16 years and over

Did not work at home:

Less than 5 minutes.....	89
5 to 9 minutes.....	132
10 to 14 minutes.....	94
15 to 19 minutes.....	141
20 to 24 minutes.....	100
25 to 29 minutes.....	35
30 to 34 minutes.....	217
35 to 39 minutes.....	16
40 to 44 minutes.....	36
45 to 59 minutes.....	76
60 to 89 minutes.....	74
90 or more minutes.....	16
Worked at home.....	29

1990 Census Lookup (1.4a)

(URL reload)

1990 US Census Data
Database: C90STF3A
Summary Level: state--Place

Taft Southwest cdp: FIPS.STATE=48, FIPS.PLACE90=71696

PLACE OF WORK---STATE AND COUNTY LEVEL

Universe: Workers 16 years and over

Worked in State of residence:

Worked in county of residence.....**.359**

Worked outside county of residence.....175

Worked outside State of residence.....0

PLACE OF WORK---PLACE LEVEL

Universe: Workers 16 years and over

Living in a place:

Worked in place of residence.....0

Worked outside place of residence.....533

Not living in a place.....0

PLACE OF WORK---MSA/PMSA LEVEL

Universe: Workers 16 years and over

Living in an MSA/PMSA:

Worked in MSA/PMSA of residence:

Central city.....**.138**

Remainder of this MSA/PMSA.....386

Worked outside MSA/PMSA of residence:

Worked in a different MSA/PMSA:

Central city.....0

Remainder of different MSA/PMSA.....0

Worked outside any MSA/PMSA.....9

Not living in an MSA/PMSA:

Worked in an MSA/PMSA:

Central city.....0

Remainder of MSA/PMSA.....0

Worked outside any MSA/PMSA.....0

PLACE OF WORK---MINOR CIVIL DIVISION LEVEL

Universe: Workers 16 years and over

Living in the 9 Northeastern States:

Worked in the minor civil division of residence.....0

Worked outside minor civil division of residence.....0

Not living in the 9 Northeastern States.....533

TRAVEL TIME TO WORK

Universe: Workers 16 years and over

Did not work at home:

Less than 5 minutes.....**.12**

5 to 9 minutes.....**.157**

10 to 14 minutes.....13

15 to 19 minutes.....78

20 to 24 minutes.....34

25 to 29 minutes.....27

30 to 34 minutes.....88

35 to 39 minutes.....25

40 to 44 minutes.....7

45 to 59 minutes.....62

60 to 89 minutes.....30

90 or more minutes.....0

CERTIFICATE OF SERVICE

I, Pamela Presbury, an employee in the law offices of Davis Wright Tremain LLP, do hereby certify that a copy of the foregoing "Petition for Rulemaking" was sent on December 23, 1998, by hand delivery, to the following:

John A. Karousos, Chief
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, DC 20554


Pamela Presbury